

04/18/01  
11003 U.S. PTO

Docket No. P-5907 / SLD 2 0236

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents  
Washington, D.C. 20231

ATTN: Box Patent Application

JC978 U.S. PTO  
09/837403  
04/18/01

Transmitted herewith for filing is the patent application of

**Inventor(s):** Thomas J. Kennedy, III, John T. Neill, Mark L. Binette and David M. Melanson

**For (title):** ISOPHTHALIC ACID POLYAMIDE POLYMER FOR  
USE IN GOLF BALL COVERS OR MANTLES

1. **Type of Application** - This new application is for a(n) XX Original (nonprovisional)
2. **Benefit of Prior U.S. Application(s)** (35 U.S.C. 119(e), 120, or 121): None
3. **Papers Enclosed That Are Required for Filing Date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application**  
67 Pages of specification    4 Pages of claims    1 Page of Abstract  
2 Sheets of drawing(s) (Fig(s) 1 - 4)    XX formal       informal
4. **Additional papers enclosed**  
   Preliminary Amendment    XX Application Data Sheet  
   Form PTO-1449 (PTO/SB/08A and 08B)       Information Disclosure Statement (37 C.F.R. 1.98)  
   Other    XX Return Receipt Postcard (MPEP 503)
5. **Declaration or oath**  
X Enclosed, but NOT executed by the inventors.       Enclosed and executed by inventor(s).
6. **Inventorship Statement** The inventorship for all the claims in this application are: X The same.
7. **Assignment**    XX TO BE FORWARDED  
X assignment of the invention to SPALDING SPORTS WORLDWIDE, INC.  
   is attached with a separate "RECORDATION FORM COVER SHEET - PATENTS ONLY"

CERTIFICATION UNDER 37 C.F.R. 1.10

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date April 18, 2001, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EL104033449US, addressed to: Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

Darlene Barrett  
(type or print name of person mailing paper)  
Darlene Barrett  
(Signature of person mailing paper)

## 8. Fee Calculation (37 C.F.R. 1.16)

A. XX Regular application

CLAIMS AS FILED - OTHER THAN SMALL ENTITY				(10/01/00)
Number filed	Number Extra	Rate	Basic Fee	
			37 C.F.R. 1.16(a)	
			\$710.00	
Total				
Claims (37 CFR 1.16(c))	31 - 20 = 11	x \$ 18.00	\$198.00	
Independent				
Claims (37 CFR 1.16(b))	4 - 3 = 1	x \$ 80.00	\$ 80.00	
Filing Fee Calculation				<u>\$ 988.00</u>

9. Fee Payment Being Made at This Time X Enclosed X Basic filing feeTOTAL FEES ENCLOSED \$ 988.00

## 10. Method of Payment of Fees

A triplicate of this transmittal is attached.

X Charge Account No. 17-0150 in the amount of \$ 988.00

## 11. Authorization to Charge Additional Fees

- X The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 17-0150
- X 37 C.F.R. 1.16(a), (f) or (g) (filing fees)
- X 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)
- X 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- X 37 C.F.R. 1.17 (application processing fees)

## 12. Instructions as to Overpayment

X Credit Account No. 17-0150

Respectfully submitted,

Thomas J. Kennedy, III et al

Customer No. 24492Phone: 413-322-2937Date: 4-18-01

MB/db

Enc: A triplicate of this transmittal

cc: SSW Dep. Acct.

Richard M. Klein, Esq. (SLD 2 0236)

By Michelle Bugbee

Michelle Bugbee, Reg. No. 42,370

Spalding Sports Worldwide

425 Meadow Street

P.O. Box 901

Chicopee, MA 01021-0901

X Statement Where No Further Pages AddedXX This transmittal ends with this page.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Kennedy III et al.  
For : ISOPHTHALIC ACID POLYAMIDE  
POLYMER FOR USE IN GOLF BALL  
COVERS OR MANTLES  
Serial No. : 09/837,403  
Filed : April 18, 2001  
Art Unit No. : 1712  
Examiner : David J. Buttner  
Date of Last Action : March 14, 2003  
Customer No. : 24492  
Confirmation No. : 7628  
Attorney Docket No. : P-5907 (SLDZ 200236)

Cleveland, Ohio 44114-2518  
May 29, 2003

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED  
CLAIM UNDER 35 U.S.C § 120 FOR THE BENEFIT OF A PRIOR-FILED  
APPLICATION, UNDER 37 CFR § 1.178(a)(3)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In an amendment presented on December 20, 2002, Applicants  
claimed priority upon a series of prior applications as follows:

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and related papers are being deposited with the United States Postal  
Service as first class mail in an envelope addressed to: Mail Stop \_\_\_\_\_, Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450, on \_\_\_\_\_, 2003.

By: \_\_\_\_\_  
Mary Ann Temesvari

The present application is a continuation-in-part of U.S. Application Serial No. 09/523,563, filed on March 10, 2000, and issued on May 7, 2002 as U.S. Patent No. 6,384,140. In turn, that application is a continuation-in-part of U.S. Application Serial No. 09/241,186, filed on February 1, 1999, and issued on April 30, 2002 as U.S. Patent No. 6,380,310, which is a division of U.S. Application Serial No. 08/763,070, filed on December 10, 1996, and issued on March 23, 1999 as U.S. Patent No. 5,886,103.

Payment for the surcharge set forth in 37 CFR § 1.17(t) accompanies this Petition. A check in the amount of \$1240.00 is enclosed. Please charge any additional fees or credit overpayment to Deposit Account No. 06-0308.

According to 37 CFR § 1.78(a)(2)(ii), a claim for priority for this application was due four (4) months from the filing date of this application, i.e. August 18, 2001. The date the claim for priority was actually filed was December 20, 2002. The entire delay between these two dates (totaling approximately 16 months) was unintentional.

Applicants respectfully petition the Office to allow the present application to rely upon the noted priority claim.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP

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